

# **Maryland Department of Transportation**

## **“What’s Next” Workshop**

### **June 9, 2011**

**Topic: Rights and Responsibilities of a  
Certified MBE Subcontractor**

# WHAT'S IN IT FOR ME?

- 1) Decide what result you want to come from being certified as a MBE
  - Subcontracting only
  - Prime contracting only
  - A combination of the two
- 2) Decide what time/resources you are willing to dedicate to achieving your desired outcome
- 3) Where can you find free technical support and assistance to help get you there faster?

# What Are My Rights as a MBE Subcontractor?

- Fair and equitable treatment in all aspects of state purchasing and contracting; best reference is COMAR 21.11.03
- Can read online at [www.dsd.state.md.us/comar](http://www.dsd.state.md.us/comar)
- Easy access to bid documents, plans and specifications
- At least 10 days before bids are due to state, you must be given access to all information necessary to generate and submit a valid quote

# What Are My Rights as a MBE Subcontractor?

- Bidder must obtain authorization from you before including your company as part of their MBE bid submission (2009 Fraud Statute and Hotline; 410-767-3582)
- Once working under a state contract, you have the right to:
  - seek contract-related information and assistance directly from appropriate state staff (project manager, MBE liaison, procurement officer)
  - Be paid promptly for undisputed invoices (see GOMA Prompt Payment directive at [www.mdminoritybusiness.com](http://www.mdminoritybusiness.com))

# What Are My Rights as a MBE Subcontractor?

- Once working under a state contract, you have the right to:
  - Be notified by the prime contractor in writing regarding documented performance deficiencies
  - Be given a reasonable amount of time to cure documented deficiencies
  - File a written complaint with the state regarding unfair treatment
  - Receive a written response to your complaint

# What are my Responsibilities as a MBE Subcontractor?

- Invest enough time in learning the state's procurement process to protect your interests
- Develop a prime bidder networking plan that includes attendance at bid conferences whenever possible
- Update your contact information with the State
- Respond to legitimate requests for quotes coming from prime bidders
- Exercise caution when asked to sign state forms



# What are my Responsibilities as a MBE Subcontractor?

- Know the particular details of a procurement before you respond to a RFQ
  - When are bids due to state
  - Who is the procurement officer
  - Who is the MBE liaison
  - Who attended the bid conference
- Notify the bidder if you are interested and available or if you are unavailable; can notify the state as well

## What are my Responsibilities as a MBE Subcontractor?

- Once work begins, perform as required
- Immediately report concerns regarding unfair treatment and/or late payment
- Keep good documentation of work successfully performed
- Submit required monthly MBE payment reports on time (free monthly advertisement)
- Know what state resources are available to assist you; use them appropriately



## What To Do When Things Go Wrong On The Job

- Document your problem in as much detail as possible
- Notify the offending party and appropriate agency personnel (PM, MBE liaison, etc) at same time and in writing
- Be reasonably patient, but don't let the problem escalate or linger too long
- If no internal resolution, use your best judgment as to what external resources can best assist you
  - GOMA
  - Human Relations Commission
  - MDOT Certification Unit
  - New Fraud Hotline
  - Court System
  - Bonding Company
- You have to decide how far you are willing to go to have your concern addressed
- Protection from late payment issues becoming more necessary in today's economic climate; use late payment provision to protect your company's solvency